

**Applicant:** Paul Marinier  
**Application No.:** 10/729,644

**REMARKS/ARGUMENTS**

Pursuant to the foregoing amendment, Claims 20-25 are currently pending in this application. Claims 1-19 have been cancelled, and new claims 20-25 have been added to recite certain subject matter. Applicants submit that no new matter has been introduced into the application by these amendments.

**Request for Withdrawal of the Finality of the Office Action**

The Applicant respectfully requests that the Examiner withdraws the finality status of the Office Action mailed on May 8, 2007 because a request for continuing examination has been filed in conjunction with this reply.

**Claim Rejections - 35 U.S.C. §103(a)**

Claims 14-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0060976 to Sato (hereinafter "Sato"), in view of U.S. Patent No. 6,546,257 to Stewart (hereinafter "Stewart"), further in view of U.S. Patent No. 6,169,497 to Robert (hereinafter "Robert") and further in view of U.S. Patent No. 6519,464 to Santhoff et al (hereinafter "Santhoff"). Claims 14-19 are cancelled in the foregoing amendment, and therefore the 35 U.S.C. §103(a) rejection is now moot. Withdrawal of the 35 U.S.C. § 103(a)

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rejection is respectfully requested. For the Examiner's consideration new claims 20-25 will be discussed in view of the cited references.

The currently pending claims recite a method of participating in cooperative positioning, implemented in a WTRU, the method comprising: receiving requests for positioning information regarding a selected target-WTRU from a wireless network base station; transmitting requests for positioning information to the selected target-WTRU; receiving signals from the selected target-WTRU; performing position measurements regarding the selected target-WTRU based on the received requests for positioning information and the signals received from the selected target-WTRU for purposes of performing the position measurements; transmitting results of position measurements as positioning information to the wireless network base station; and storing a number of instances where positioning information is provided for account credit verification.

Sato discloses a navigation system wherein the first communication terminal unit transmits the self-location information to the second communication terminal unit. The second communication terminal unit receives the location information transmitted from the first communication terminal unit; and transfers the received location information to the car navigation apparatus. The car navigation apparatus sets up a destination on the basis of the location information transferred from the

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second communication terminal unit and searches for the route up to the destination.

Stewart discloses a method of providing geographically sensitive promotional information to a predefined location associated with a mobile unit having a transmitter which can transmit position location information, and an apparatus for executing such a method. The method includes receiving from the mobile unit, at least one transmission which provides information on multiple locations of the mobile unit over a span of time, and an identification of the mobile unit. Multiple locations of the mobile unit are determined from the received transmissions, and a repeated travel pattern of the mobile unit determined based on the multiple locations. From a database of locations associated with respective promotional identifications or information, a promotional identification or information is retrieved which is associated with a location which is within a predetermined position relative to the repeated travel pattern. The promotional identification or promotion information based on the promotional identification, is provided to the predefined location.

Applicant respectfully traverses the rejection based on the following.

When a reference is silent about the asserted inherent characteristic, the gap should be filled with extrinsic evidence. MPEP § 2131.01. "Such evidence must make clear that the missing descriptive matter is necessarily present in the thing

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described in the reference, and that it would be so recognized by persons of ordinary skill." Id. "The examiner must provide rationale or evidence tending to show inherency." MPEP § 2112. "The mere fact that a certain thing may result from a given set of circumstances is not sufficient." Id. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that an allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Id. (emphasis in original). Applicant respectfully disagrees with Examiner that the combination of the art would be obvious. Stewart is directed at providing promotional material based on repeated travel patterns, and Sato is directed at a car navigation apparatus. Neither relates to the cooperative approach disclosed in the present application.

The cited references fail to disclose a WTRU transmitting requests for positioning information from the selected target-WTRU.

Applicants therefore believe the pending claims are novel and patentable over the cited art of record.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a

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telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 20-25, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Paul Marinier

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